

## **REMARKS**

### **Claim Amendments**

Claims 2-60 have been amended to clarify the subject matter of the claims. Claims 29-60 have tentatively been withdrawn from consideration pending the Examiner's reconsideration of the Restriction. All amendments have been made without prejudice. The Applicants reserve the right to re-introduce withdrawn or cancelled subject matter at a later date.

### **Restriction requirement**

In the Office Action the Examiner asserts, in a restriction requirement, that the present application contains claims directed to two distinct inventions: Group I consisting of claims 1-28 and Group II consisting of claims 29-60.

Applicants respectfully traverse this requirement and request that the Examiner reconsider the requirement for restriction for reasons discussed below.

Applicants note that 35 USC § 121 authorizes, but **does not require**, the USPTO to restrict an application to one invention if two or more independent and distinct inventions are claimed in one application.

The Examiner is respectfully reminded of MPEP 803, which states that

*"If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions."*

Applicant respectfully submits that the Examiner has not shown a "serious" burden in the present case, especially when considering the number of shared elements between claims 1 and 29, or 17 and 45. For example, claim 29 states that the "primary image elements being displaced relative

to respective ones of said secondary image elements” which relates to steps (c) and (d) of claim 1. Also, claim 29 states “a plurality of primary image elements which can be decoded by a secondary pattern comprising a plurality of secondary image elements”, which relates to “a secondary pattern having a plurality of secondary image elements, the secondary pattern being capable of decoding said latent image” of claim 1. It is submitted that searching both claim groups would not be a burden due to the overlap of search terms required. Therefore, the Applicants respectfully submit that the restriction requirement set forth in the Office Action is improper. As such, reconsideration is respectfully requested and the Examiner is respectfully requested to withdraw the restriction requirement. However, as required under 35 USC § 121, **Applicants provisionally elect Group I, i.e. claims 1-28.**

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this document is being transmitted to the Patent and Trademark Office via electronic filing.

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March 8, 2010  
(Date of Transmission)

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